

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. No claims are amended, canceled, or added. Thus, claims 1-2, 4, 6-21, and 23 remain pending and are submitted for reconsideration.

Rejection of Claims 1-8, 13, and 18-23 Based on Herrmann.

Claims 1-8, 13, and 18-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by the German Publication DE 101 19 810 ("Herrmann") in view of U.S. Patent Application Publication 2004/0000783 ("Biller"). Reconsideration and withdrawal of the rejection are requested because Herrmann, Biller, or any combination thereof does not disclose or suggest the claimed invention.

For example, claim 1 recites "wherein the tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress." Herrmann does not teach or suggest these features. In the first instance, Herrmann does not teach the use of a tightening spring but merely a piston and cylinder arrangement. It is asserted in the Office Action that the piston is a compressed air spring but it is respectfully submitted that a compressed air spring is a known term of art that applies to a bag-like structure comprising a flexible membrane to capture compressed air. As the bag-like structure is compressed, the air pressure in the structure increases, forcing the bag to seek a return to its static height, or to "rebound," similar to a steel spring. Examples of such air springs are provided in Exhibit A, B, and C. Exhibit A is a definition provided by Encyclopedia Britannica, which defines air springs as "a column of air configured within a rubber and fabric container." Exhibits B and C are pages from McMaster-Carr and MSC catalogs, respectively, which show examples of known "air springs." Because the simple piston and cylinder arrangement of Herrmann does not fall within the meaning of "air spring" as one with ordinary skill in the art would understand the term, Herrmann does not teach a "tightening spring" as required by claim 1. In addition, Herrmann does not teach or suggest a driving motor for placing a tightening spring under a predetermined stress, as correctly pointed out by the Office Action.

Biller does not cure the deficiencies of Herrmann because any combination of Herrmann with Biller is improper. Herrmann teaches a system that uses a piston and cylinder arrangement for either pushing a deflecting element upwards (as shown in Fig. 1) or pulling a cable so as to provide tension to the seat belt (as shown in Fig. 2). In contrast, Biller merely

teaches a rack and pinion arrangement used for pulling a cable against the force of a helical spring so as to provide tension to the seat belt. Biller does not teach or suggest that the rack and pinion arrangement is suitable to a piston and cylinder arrangement but only to a helical spring arrangement. Even if the rack and pinion arrangement is applicable (which it is not), Biller does not suggest that the arrangement is suitable for pushing a deflecting element but, at best, merely suggests that the arrangement is suitable for pulling a cable so as to provide tension to the seat belt. In other words, the rack and pinion arrangement of Biller would, at best, be applicable only in a configuration in which a cable of the seat belt is pulled and there is no teaching or suggestion that the rack and pinion arrangement could be used in a configuration in which there is a pushing of a deflecting element. Because Biller is only applicable to a configuration in which a seat belt cable is pulled, any combination of Biller with the configuration of Herrmann in which the deflecting element is pushed is improper. Accordingly, any rejection based on the teachings of Herrmann and Biller is improper.

Claim 20 recites “a motorized tightening device configured to tighten and/or relax the seat belt, wherein the deflecting element is connected to the tightening device which allows the deflecting element to move, wherein the motorized tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress.” As previously mentioned, Herrmann does not teach a tightening spring or a driving motor for placing the tightening spring under a predetermined prestress. Biller does not cure these deficiencies because any combination of Herrmann and Biller is improper.

Claims 3, 5, and 22 are canceled, and any rejection of these claims is improper.

Claims 2, 4, 6-8, 13, 18-19, 21, and 23 depend from claim 1 or claim 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth therein.

For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 15-17 based on Herrmann, Biller, and Autoliv-Kolb

Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herrmann and Biller in view of DE 40 20 600 (“Autoliv-Kolb”). Claims 15-17 depend from and contain all the features of claim 1. As previously mentioned, Herrmann does not teach or suggest all the features of claim 1, particularly the tightening device and the driving motor.

Biller does not cure these deficiencies because any combination of Herrmann with Biller is improper. Autoliv-Kolb does not cure the deficiencies of Herrmann and Biller. Accordingly, claims 1 and 15-17 are not rendered unpatentable over the prior art. For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

It is believed that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 13, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

By Michael D. Kammsh
Reg. No. 32,904

Howard N. Shipley
Registration No. 39,370

Matthew J. Kremer
Registration No. 58,671

APPENDIX